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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,042	01/15/2002	Armin Schlemmer	P21790	2920
7055	7590	01/30/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			ROSS, DANA	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	

3722

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/045,042

Applicant(s)

SCHLEMMER ET AL.

Examiner

Dana Ross

Art Unit

3722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112 2nd Paragraph.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

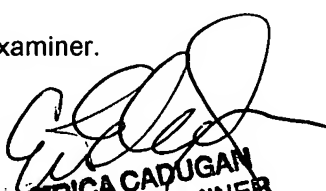
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-40

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: See Continuation Sheet


ERICA CADUGAN
PATENT EXAMINER

Continuation of 10. Other: The 35 USC 112 2nd Paragraph rejection would be withdrawn due to applicant's amendment and clarification of claim 1 language. The rejection of claim 1, 8 and 40 will stand as is and now that the language has been clarified, an alternative 102 rejection would, upon appeal, be provided like the rejection of claim 18. In response to Applicant's assertion that "there is no disclosure that the cutting edges leading to roof-shaped tip 18 are located in the region of the obtuse-angled corner", Applicant is referred to US equivalent document 6,224,300, col. 3, lines 35-47 and figures 2, 3 and 4a. The obtuse-angled corner has within a region, cutting edges 12, cutting edges 12', chipping element 12 (for example), In regards to applicant's assertions that WO'438 does not teach the "distance from said supporting area to said cutting edges located at said obtuse-angled corners is less than a vertical distance from said supporting area to said cutting edges located at said acute-angled corners", examiner disagrees and refers applicant the previous interview summary and to fig2, and the previous office action, noting that as viewed in figure 2, the distance from the bottom surface to the upper extent of the acute angle (i.e., at the left of the insert at the top thereof as viewed in figure 2) is shown as being greater than the distance from the bottom surface to the upper extent at the obtuse angles (see figure 2).